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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention

APPLICATOR FOR APPLYING FUNCTIONAL SUBSTANCES INTO HUMAN SKIN

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/666,581, filed on September 18, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Yoshikazu TOBINAGA

Signature: *Y. Tobinaga*

Citizen of: Japan

Inventor two: Dr. Susumu SUGIYAMA

Signature: *Susumu Sugiyama*

Citizen of: Japan

Inventor three: _____

Signature: _____

Citizen of: _____

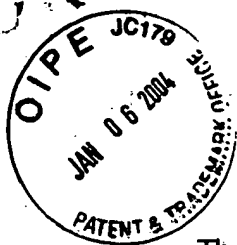
Inventor four: _____

Signature: _____

Citizen of: _____

☐ Additional inventors or a legal representative are being named _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



37 C.F.R. §3.73(b) STATEMENT AND POWER OF ATTORNEY

The Assignee for the U.S. Patent Application filed herewith entitled **APPLICATOR FOR APPLYING FUNCTIONAL SUBSTANCES INTO HUMAN SKIN** (hereinafter "Patent Application"), and the invention disclosed therein, hereby states pursuant to 37 C.F.R. §3.73(b) that the Assignee is now the sole owner of the Patent Application to the exclusion of each inventor thereof.

The Assignee establishes its ownership by submission herewith of an Assignment from each inventor of the Patent Application and the Assignee requests recordation thereof in the records of the U.S. Patent & Trademark Office. As the established owner of the Patent Application, the Assignee hereby invokes its right to conduct prosecution of the Patent Application to the exclusion of each named inventor.

The Assignee further hereby appoints the Attorneys and Patent Agents of Kennedy Covington Lobdell & Hickman, L.L.P., as identified by **Customer Number 021878** in the records of the U.S. Patent & Trademark Office and as updated from time to time, to prosecute the Patent Application and to transact all business in the U.S. Patent & Trademark Office connected therewith. All correspondence in this case should be directed to:

Dalbert U. Shefte
Kennedy Covington Lobdell & Hickman, L.L.P.
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, North Carolina 28202

The telephone number is (704) 331-7400 and the facsimile number is (704) 331-7598.

The Assignee hereby declares that no other person or entity is authorized to take any action before the U.S. Patent & Trademark Office with respect to the Patent Application. The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Nano Device and System Research, Inc.

By:

J. Tobinaga
Signature of Corporate Officer

Yoshikazu Tobinaga
Name of Corporate Officer

President
Title of Corporate Officer

10-8-03
Date

Texmac, Inc.

By:


Signature of Corporate Officer

9-19-03

Date

WILLIAM L. MAHON, JR.
Name of Corporate Officer

Vice President
Title of Corporate Officer